

# Notice of Allowability

Application No.

09/935,988

Examiner

Daniel S. Metzmaier

Applicant(s)

SICIUS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 29 September 2004.
2. ☒ The allowed claim(s) is/are 1 and 3-8.
3. ☒ The drawings filed on 23 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12/9 & 10/2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

Claims 1 and 3-8 are allowed.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Diderico van Eyl on December 9 & 10, 2004.

The application has been amended as follows:

The specification was amended as set forth starting on page 3.

The claims was amended as set forth starting on page 4.

**In the specification**

Replace the paragraph at page 5, lines 26-27 of the specification as follows:

Figure ~~Fig.~~ 1 is a graph that shows the dissolution of polysuccinimide at different pHs obtained in accordance with the invention.

**In the claims**

Replace the pending claims with the list as follows:

1. (Previously presented) A conditioning agent for conditioning a water component selected from the group consisting of standing water systems and flowing water systems comprising a component in tablet form selected from the group consisting of (1) an active content of a polysuccinimide component selected from the group consisting of polysuccinimide, partial hydrolysates of polysuccinimide, copolymers of polysuccinimide, and mixtures thereof; and (2) a fatty acid.
2. (Canceled).
3. (Currently amended) The conditioning agent according to Claim 1 , wherein the conditioning agent further comprises a hardness stabilizer selected from the group consisting of inorganic condensed phosphates, organophosphonic acids, phosphate esters, polyphosphoric esters, aminophosphates, succinamide, carbohydrates, polysaccharides, gluconates, polyglycosides, polyglucosides [[,]] derivatives thereof, polyoxycarboxylic acids, polyoxycarboxylic copolymers thereof, oxidized carbohydrates, proteins, water-soluble polyamino acids, silicates and zeolites.
4. (Currently amended) The conditioning agent according to Claim 1, wherein the conditioning agent further comprises a dispersant component selected from the group consisting of tannin derivatives; [[,]] lignin sulfonates; [[,]] sulfonated condensation products of naphthalene with formaldehyde; [[,]] polyacrylates; [[,]] polymethacrylates; [[,]] polyacrylamides; [[,]] acrylate-based polymers; [[,]] P-containing polymeric compounds; [[,]] phosphinic-acid-containing homopolymers and

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copolymers of acrylic acid and acrylamide; [[,]] oligomeric phosphinico-succinic acid compounds; [[,]] sulfomethylated or sulfoethylated polyacrylamides and copolymers and terpolymers with acrylic acid and maleic ester; [[,]] N-butylacrylamide [[,]] and copolymers thereof; [[,]] acrylamidopropionic sulfonic acid as salt and its copolymers; [[,]] polymers and copolymers of maleic acid or maleic anhydride; [[,]] phosphinoalkylated acrylamide polymers; [[,]] copolymers with acrylic acid; [[,]] and copolymers of alkenes with unsaturated dicarboxylic acids.

5. (Original) The conditioning agent according to Claim 1, wherein the conditioning agent further comprises complexing agents selected from the group consisting of iminodisuccinate, nitrilotriacetic acid, citric acid, ethylenediaminetetraacetic acid, ethercarboxylates, oxidized carbohydrates and phosphorus-containing compounds.

6. (Original) The conditioning agent according to Claim 1, wherein the agent further comprises additives.

7. (Original) The conditioning agent according to Claim 6, wherein the additives are biocides.

8. (Original) The conditioning agent according to Claim 1, wherein the polysuccinimide is in a form which the polysuccinimide has an increasing slow-release action.

9-26. (Canceled).

***Reasons for allowance***

2. The following is an examiner's statement of reasons for allowance: applicants' amendments and remarks in the last response obviate the rejections of record. Claim 26 was deemed as not further limiting of independent claim 1 since the prevention of deposits is an inherent property of the compositions of claim 1 (see the instant specification at page 1, lines 1-6).

Claims 3 and 4 were amended to make the claims read more clearly. Basis for said changes are found for claim 3 at page 9, line 20, to page 10, line 7 (particularly lines 2-3); and for claim 4 at page 10, line 15 (particularly lines 29-30), to page 11, line 5.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Daniel S. Metzmaier**  
Primary Examiner  
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DSM